

COMMISSION DIRECTIVE

ADMINISTRATIVE MATTER

DATE _____

July 09, 2008

MOTOR CARRIER MATTER



DOCKET NO.

2000-130-C

UTILITIES MATTER

ORDER NO.

SUBJECT:

DOCKET NO. 2000-130-C - Agreement between BellSouth Telecommunications, Incorporated d/b/a AT&T South Carolina, Alltel Communications, Incorporated and Alltel Holding Corporate Services, Incorporated - Hearing Held: June 10, 2008. This Matter is Ready for Final Disposition.

COMMISSION ACTION:

This case involves the extension of an existing interconnection agreement that was originally negotiated between BellSouth Telecommunications and Alltel Communications, Inc. (ACI). ACI negotiated on behalf of two affiliates that were members of the Alltel family. One affiliate was a wireless carrier and the other was a competitive local exchange carrier. This agreement was negotiated for the entire nine state BellSouth region and contemplated a specific balance of wireless and wireline traffic throughout the region.

Subsequent to approval of this agreement in 2004, Alltel elected to concentrate on its wireless and long distance businesses and to fully separate its wireline businesses into a separate entity not affiliated with Alltel. The newly formed separate entity Alltel Holding Corporate Services, Inc. (AHCSI), which later became WindStream Communications elected to adopt an existing interconnection agreement between BellSouth and DukeNet.

The merger commitments that were entered into by AT&T and BellSouth state that any carrier may extend any existing interconnection agreement in force at the time of the merger for a period of three years.

However, Section 3.1 of the Agreement, which deals with Interconnection Compensation, reads in part “*Should Carrier opt into another interconnection arrangement with BellSouth pursuant to 252(i) of the Act which calls for reciprocal compensation with respect to Carrier’s CMRS or CLEC Carrier’s CLEC local traffic, the bill and keep arrangement provided for under this Agreement shall be subject to termination or renegotiation as deemed appropriate by BellSouth.*”

Considering the information at hand, I move that:

- Under the merger commitments, Alltel is entitled to the three year extension of the existing agreement.
- Because of the dissolved relationship between Alltel Communications and AHCSI/Windstream Communications and AHCSI/Windstream's adoption of the DukeNet agreement, AT&T South Carolina is entitled to renegotiate the agreement once it is extended.

Also, I further move that we hold this motion and the directive that follows will constitute the decision addressed in the Hearing Officer's Directive of June 13, 2008, and that we issue a written order as soon as possible further explaining our decision.

PRESIDING: Hamilton

SESSION: Regular

TIME: 2:30 p.m.

	MOTION	YES	NO	OTHER
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

RECORDED BY: J. Schmieding